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IDENTICAL LETTERS DATED 7 DECEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL AND TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 6 December 1998 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of Iraq, concerning acts of aggression and provocation committed by United States naval forces against the sovereignty of Iraq.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

Annex

Identical letters dated 6 December 1998 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General and to the President of the Security Council

I should like in this letter to call your attention to the fact that United States naval forces have persisted in their acts of aggression against the sovereignty of the Republic of Iraq. In recent months these forces have committed several acts of piracy in Iraqi territorial waters, as described hereunder, in which Iraqi merchant vessels have been the primary targets.

1. At 1145 hours on 9 April 1998, the Iraq Ports Corporation's water tender No. 1 was searched near Mina' al-Bakr by 25 persons who had come in a small craft from United States Coast Guard cutter No. 718. At 1400 hours the inspection ended and the tender proceeded to Mina' al-Bakr.

2. At 1430 hours on 25 August 1998, a United States craft together with a helicopter intercepted the Iraq Ports Corporation's boat No. 8 near buoy 5 at coordinates 7192. The boat was boarded and, after being searched, it proceeded to a point 8 kilometres south of Mina' al-Bakr for further inspection by personnel from Canadian gunboat No. 90. At 1845 hours the inspection ended and the boat headed for Umm Qasr.

3. At 1330 hours on 27 August 1998, a small United States craft manoeuvred towards the entrance to the Hawr Abd Allah waterway as far as buoy 7 at coordinates 6693. It escorted the merchant vessel Topaz, which was leaving Umm Qasr, to the inspection area located to the east of Mina' al-Bakr to be searched. At 1815 hours the vessel was released and resumed its course towards the open sea.

4. At 2340 hours on 7 September 1998, personnel from a small United States patrol boat inspected the Maritime Transport Company's merchant vessel Al-Abid, which was carrying a cargo of wheat, while it was heading from Umm Qasr port to Basrah port. At 0230 hours on 8 September 1998, at the entrance to the Shatt al-Arab at coordinates 0284, the vessel was taken under escort to an unknown destination to be searched. At 1800 hours on the same day it was released.

5. At 1630 hours on 17 October 1998, a United States craft together with a helicopter detained the privately owned tug Nur with a pontoon under tow near buoy 7 and escorted it out to sea to be searched. At 1700 hours the inspection ended and the tug headed towards Khawr al-Zubayr.

6. At 0015 hours on 19 October 1998, United States frigate No. 52 proceeded to search the Iraqi oil tanker Rayshan at a point 5 kilometres south of Mina' al-Amiq. At 0400 hours the search ended.

7. At 2030 hours on 20 October 1998, a United States craft detained the privately owned tug Trapp Star with a pontoon under tow near buoy 5 and escorted it out to sea to be searched. After being searched by United States forces it was taken under escort to Kuwait.

Such egregious acts of aggression and provocation on the part of a permanent member of the Security Council are in flagrant violation of the sovereignty of an independent State and founding Member of the United Nations and in open breach of the Organization's Charter and the provisions of the 1982 United Nations Convention on the Law of the Sea.

As we deprecate and condemn the barbarous conduct of the United States, which restricts the free use of Iraqi maritime transport vessels and thus adversely affects Iraq's right to avail itself of its natural resources within its own territorial waters, we request you to intervene with the United States Government, as is required by your responsibility under the Charter of the United Nations, with a view to halting these unwarranted acts of aggression. At the same time, we affirm Iraq's legally established right, in accordance with the principle of State responsibility, to seek compensation for all the material and other damage it has sustained as a result of acts that are in violation of the Charter of the United Nations and of international law.

I should be grateful if you would have this letter circulated to the members of the Security Council.

(Signed) Mohammed Said Al-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq